

REMARKS

Information Disclosure Statement

With respect to the information Disclosure Statement presented on January 8, 2008, Applicant is uncertain as to which references were not considered by the Examiner.

Support for Previously Amended Claims

With respect to support regarding previously amended claims, Applicant exposes the following:

In previously amended claim 1, the preamble was amended in order to state that the prosthesis was a "leg prosthesis for replacement of a leg of an above knee amputee". Support for this amendment can be found in paragraph [0039] lines 1-3.

In previously amended claims 1, 2, 10, 14, and 23 the term "primary joint member" was replaced by "knee member". Support for this amendment can be found in paragraph [0043] lines 1-3.

In previously amended claim 1, the expression "a linear actuator comprising a motor and drive member" was amended to read a "linear actuator comprising a rotary motor, a screw rotatable by said rotary motor and a follower displaceable along said screw upon rotation thereof by said rotary motor,". Claim 1 was further amended to read "rotation of said rotary motor rotates said screw in or out of said follower thereby causing a corresponding rotation of said knee member relative to said structural member", Support for these amendments can be found in paragraph [0056] lines 11-23.

In previously amended claims 9, the term "said connector assembly" was introduced. This expression was found in claim 1 on which claim 9 depended.

Other amendments were of a clerical nature.

Rejections under 35 U.S.C. 112, second paragraph

Applicant has amended claim 1 in order to replace "an" by --a-- in line 11 as well as to amend the phrase "said pivotal axis" on the last line by --said first pivotal axis--. It is therefore believed that rejections to claims 1-3, 5-11, 14-18 and 23-25 for being indefinite have been overcome.

Joint Inventorship

Applicant hereby confirms that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made.

Rejections under 35 U.S.C. 103(a)

Claim 1 has been amended in order to add the phrase "wherein during locomotion" at the beginning of the last paragraph and to delete the term "whereby". It is believed that this amendment merely clarifies that rotation of the rotary motor causes a corresponding rotation of the knee member relative to the structural member (trans-tibial member) during walking motion. Support for this amendment is inferred by the disclosure as a whole since the object of the invention is to provide an angular displacement to the knee relative to the trans-tibial member during motion of the prosthesis (see paragraph [0056] lines 5-11 for example).

With respect to the cited art, Applicant respectfully contends that the Johnson citation cannot be cited against the present invention for at least the following reasons:

Firstly, the present invention specifically shows a knee member structure unto which an elongated structural member (trans-tibial member) is pivotally attached, and a linear actuator that is spaced apart from this elongated structural member and also pivotally attached to the knee member. Hence, there are two pivotal connections on the knee member. In contrast, the Johnson citation merely mentions that the device it teaches can be combined with artificial or mechanical knees and other types of prosthetic devices (column 4, lines 15-21). Nowhere throughout the Johnson disclosure is there a suggestion or a teaching that an actuator can be pivotally connected to a knee member at a connection that is spaced apart from a pivotal connection between this same knee member and an elongated structural member. Therefore a key structural element is missing from the Johnson citation and cannot be inferred therefrom.

Secondly, the Johnson citation teaches an alignment device for optimizing the toe to heel pitch and gait for the wearer of shoes, as shoes of different height are worn (column 2, lines 34-38). This alignment device is adjusted by the wearer to accommodate shoes of different heel heights. In contrast, the object of the present invention is to cause a relative motion of the knee member relative to the elongated trans-tibial member during motion (i.e. walking). Therefore, there is no pre-adjustment but a continual actuation of the knee member when walking.

Therefore, the structure and the object of the present invention are not taught by the Johnson citation. The structure of the present invention is related to its object which is to cause a rotation or displacement of the knee member of an above-knee prosthetic device relative to the elongated member during the amputee's locomotion.

Applicant respectfully contends that claim 1 is patentable over the cited art. As claims 2-3, 5-11, 14-18 and 23-25 are ultimately dependent on claim 1, then it follows that these claims are also believed to be patentable over Johnson.

Applicant respectfully requests favorable reconsideration of the present application

Respectfully submitted,

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Date: July 24, 2008

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